

# **Minnesota Board of Pharmacy**

## **EIGHT HUNDRED AND THIRTY FIRST MEETING**

At approximately 9:00 a.m., on September 18, 2013, the Minnesota Board of Pharmacy met in Conference Room A, at the University Park Plaza Building, 2829 University Avenue Southeast, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, Board's Legal Counsel, Mr. Bryan Huffman, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Steven Huff, Mr. Timothy Litsey, Ms. Karen Schreiner, Ms. Barbara Carter, and Ms. Patricia Eggers. The Board's President, Ms. Laura Schwartzwald, called the meeting to order.

The Board first went into closed session to discuss issues of a quasi-judicial nature. At 9:45 AM the Board returned to open session.

The Board next discussed the minutes of the July 30, 2013 business meeting. Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the minutes be approved. The motion passed.

Ms. Kay Hanson moved and Ms. Karen Bergrud seconded that the Consent Agenda be approved. The motion passed.

The Consent Agenda for this meeting was as follows:

- Variance Committee Report – Approve
- Continuing Education Report - Approve

Mr. Stuart Williams moved and Mr. Bob Goetz seconded that an item concerning the position of Deputy Director be added to the agenda. The motion passed.

Mr. Stuart Williams moved and Mr. Justin Barnes seconded that another item be added to the agenda regarding pharmacy technician continuing education. The motion passed.

Ms. Karen Bergrud moved and Mr. Rabih Nahas seconded to approve the remainder of the agenda, as amended. The motion passed.

Mr. Bob Goetz excused himself from the meeting.

The first variance and policy review request to come before the Board was from Walgreen's regarding the Well Experience Model. Present at the meeting were Mr. Greg Boll, District Pharmacy Supervisor in Minnesota, and Mr. Bill Cover, Corporate Manager Government Relations and Pharmacy Affairs. After much discussion, Mr. Stuart Williams moved and Mr. Rabih Nahas seconded that the Well Experience Model be approved for a one year period of time on condition that Walgreen's addresses the issues of how cross contamination will be dealt with, how

compliance with the Board's rules concerning unique identifiers and accountability will be achieved, and staff training. Further, Walgreen's must upgrade the automation policy and address how the system is calibrated, upgrade the policy to remove the use of a central service pharmacy, request board approval prior to utilizing a central service pharmacy, and make sure that the plans for the new store remodels will be consistent with what was discussed at the Variance & Policy Review Committee and at this Board meeting. The motion passed with Mr. Bob Goetz abstaining.

Mr. Goetz now returned to the meeting.

At this time the Board moved an item forward in the agenda, which was a presentation by the Rummler Foundation regarding "Steve's Law." Present at the meeting were Dr. Gavin Bart, a physician at Hennepin County Medical Center, Ms. Sarah Gordon, Infectious Disease Division of the Department of Health, and Ms. Lexi Reed Holtum, Vice President of the Steve Rummler Hope Foundation. Mr. Stuart Williams moved and Mr. Justin Barnes seconded that the Board support the portion of the law that would make naloxone more readily available. The first motion passed. Mr. Rabi Nahas moved and Mr. Justin Barnes seconded that Board support the Good Samaritan portion of the proposed law. After discussion, Mr. Nahas withdrew his motion.

The second variance request to come before the Board was from Hy-Vee Pharmacy Fulfillment Center (4016) in Des Moines, IA. Hy-Vee plans to open a central fill pharmacy in Des Moines, IA in December, 2013. This pharmacy will act as a central service pharmacy. Present at the meeting were Ms. Kristin Williams, Pharmacist-in-charge and Assistant Vice President of Pharmacy Services; Bob Egeland, Vice-President of Pharmacy Services; Joe Tammaro, McKesson; and Alissa Smith, Dorsey and Whitney. After much discussion, Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the variance be approved for one year on condition that Hy-Vee submit to the Minnesota Board of Pharmacy the quarterly report that they will submit to Iowa Board of Pharmacy, that Minnesota pharmacists check ten percent of the prescriptions they receive from the Iowa Central Fill for thirty days to make sure that the prescription is correct and report their findings, such as errors, to the Minnesota Board of Pharmacy within sixty days after the Minnesota Board is notified of the fact that shipping into Minnesota has started, and that the pharmacists at the Iowa Central Fill pharmacy that work on Minnesota prescriptions be licensed in Minnesota and on condition that the reports are approved by the Minnesota Board of Pharmacy. The motion passed.

Dr. Wiberg next provided information to the Board concerning problems with a Talyst automated drug distribution system that the Board approved last fall and that was installed at an Omnicare facility. Dr. Wiberg told the Board that and that he will be requesting that Mr. Matt Sneller, a representative of Talyst, attend the next meeting.

The fourth request to come before the Board was a request from St. Cloud Technical and Community College. The College is requesting that their technician

training program become an approved program. Ms. Karen Bergrud moved and Mr. Bob Goetz seconded that the request be approved. The motion passed.

The fifth variance request to come before the Board was a request from Allied Business School. The School is requesting that their technician training program be approved as part of an employer-based program. Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the variance be denied. The motion passed.

The sixth variance request to come before the Board was a request from Shannon Vettleson. Ms. Vettleson is requesting a variance to MN Rule 6800.3850 regarding technician training requirements. Mr. Stuart Williams moved and Mr. Justin Barnes seconded that the variance be denied. The motion passed.

The next variance requests to come before the Board were from Mayo Health System Pharmacies. At this time, Ms. Karen Bergrud excused herself from the meeting. These variances were deferred to the Board only so that Board Member Karen Bergrud could abstain. Mr. Stuart Williams moved and Mr. Justin Barnes seconded that the recommendations of the Variance and Policy Review Committee be accepted. The motion passed with Ms. Karen Bergrud abstaining.

Ms. Bergrud rejoined the meeting.

The eighth variance request to come before the Board was a request from Walgreens Pharmacy #02460 in Cambridge. At this time, Mr. Bob Goetz excused himself from the meeting. This variance was deferred to the Board only so that Board Member Bob Goetz could abstain. Mr. Justin Barnes moved and Ms. Kay Hanson seconded that the recommendations of the Variance and Policy Review Committee be accepted. The motion passed with Mr. Bob Goetz abstaining.

Mr. Goetz rejoined the meeting.

Next Dr. Wiberg presented the Board with an amended CPOE guidance document regarding MN Statute 151.211 and 152.11, 1 (d). After some discussion, Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the changes to the guidance document be approved as amended. The motion passed.

Dr. Wiberg next provided the Board with update on potential 2014 legislative initiatives. No action was taken at this time.

Dr. Wiberg next informed the Board that Dr. Beth Ferguson was offered and accepted the position of Deputy Director of the Board and will begin working on October 14, 2013. Mr. Stuart Williams moved and Ms. Kay Hanson seconded that she be designated as the Deputy Director and as the successor to the Executive Director for purposes of the Board's continuation of operation plan. The motion passed.

Dr. Wiberg next informed the Board that Ms. Ame Carlson was offered and accepted the position of Pharmacy Board Surveyor and will begin working on October 9, 2013.

Dr. Wiberg next provided the Board with an update concerning the office remodeling. No action was taken at this time.

Dr. Wiberg next presented information to the Board regarding provision of documentation to Board members for meetings. No action was taken at this time.

Next Dr. Wiberg advised the Board that the Prescription Monitoring Program Advisory Committee (PMPAC) no longer officially exists because it was automatically eliminated pursuant to a statutory provision and that the Board will need to pursue legislation to reestablish this committee as a task force. He further recommended that the Board appoint the current members of the PMPAC to an ad-hoc task force. Mr. Stuart Williams moved and Ms. Kay Hanson seconded that the recommendation be adopted. The motion passed.

Ms. Barbara Carter next gave an update on the Prescription Monitoring Program. No action was taken at this time.

Dr. Wiberg next presented a request from the Iowa Board of Pharmacy regarding NABP inspections of Minnesota pharmacies. No action was taken at this time.

Dr. Wiberg next informed the Board of an issue involving the continuing education requirements for registered pharmacy technicians specifically that a number of technicians certified that they had completed the required number of continuing education hours prior to actually having completed those hours. Dr. Wiberg recommended that the Board not pursue disciplinary action but instead issue warning letters to the involved technicians. The consensus of the Board was to accept that recommendation.

There being no further business requiring action by the Board, Mr. Rabih Nahas moved to adjourn the meeting. The motion occurred at approximately 2:10 PM and Mr. Justin Barnes seconded the motion. The motion passed.

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PRESIDENT

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EXECUTIVE DIRECTOR